



Parole Hearing
Under section 21(1) of the Parole Act 2002

Murray John NOONE

Hearing: 4 October 2018
at Northland Region Corrections Facility

Members of the Board: Judge D Mather – Panel Convenor
Dr G Coyle
Ms F Pimm

Counsel: Ms S Earl

Support Persons: [withheld]
[withheld]

DECISION OF THE BOARD

1. Mr Noone is serving a sentence of five years following conviction on six charges of bribery and corruption. He becomes eligible for release on parole on 24 October 2018.
2. He was found guilty following a Judge-alone trial in the High Court. We have read the Judge's sentencing notes, although not her decision in which she found Mr Noone, and a co-offender, Mr Borlase, guilty.
3. These are unusual charges. They arise out of Mr Noone's employment arrangements over a period of some six years. He worked as a business consultant. In that role, he obtained employment with a company, Projenz. After consulting with Projenz for several years, Mr Noone then obtained a senior management role – first, with Rodney District Council and then Auckland Transport.
4. Without disclosing to either of those bodies, he continued in a consulting role with Projenz. Over the six-year period in question, he received at least \$500,000 in consulting fees from Projenz. We do note, however, that the Judge estimated the total amount Mr Noone received from Projenz was \$1.1 million.
5. It was her finding that the amount Mr Noone received was for purported consulting services which he never, in fact, provided. At this hearing, Mr Noone accepted that the

amounts he received were disproportionate to the work he did for Projenz, although he told us that, over the relevant period, he did meet from time to time with Projenz.

6. The basis of the charges is that Mr Noone actively misled Rodney District Council and Auckland Transport about the benefits he was receiving from Projenz. It was the Judge's findings that the benefits were paid with the intent of influencing Mr Noon in his official roles with his public employers.
7. The arrangements were supported by minimal documentation. The Judge does, however, identify one instance where Mr Noone tendered an invoice to Projenz at the same time as he generated an appropriate Rodney District Council purchase order for a similar amount. That supports the finding that Mr Noone's roles with Rodney District Council and Auckland Transport did provide very real financial benefits to Projenz. His failure to disclose the Projenz relationship constitutes the illegal activity which gave rise to the charges.
8. In her judgment, the Judge does note Mr Noone showing insight and remorse. He took the view at the time that, although there was at least an apparent conflict of interest, this could be managed. It is apparent that he was not generally directly involved in contract arrangements between Projenz and his public employers.
9. He now acknowledges how his roles in both the private sector and public sector conflicted and gave rise to conflict of interest issues, which he did not adequately or legally manage. The seriousness of his conduct is marked by the substantial prison sentence that was imposed by the Court.
10. Mr Noone has no previous offending history. It is clear he has significant business skills, reflected in references he has provided and, in particular, the employment offer made to him by [withheld], who attended this hearing.
11. Because of his low RoC*Rol, Mr Noone has been identified as ineligible for any rehabilitation programmes in prison. Despite that, he has used his time as constructively as possible. He has mentored other prisoners and impressed staff who have written letters of support for him. He has worked in the internal grounds party and is currently in internal Self Care.
12. We have read his submission, which shows insight and a degree of honesty about how he came to offend and the impact on him and others. He has also prepared a release proposal and a relapse prevention plan. Again, these are carefully prepared and thoughtful documents.
13. He has been in a relationship with [withheld], for several years. She attended this hearing to support him. She wants to take the resumption of their relationship slowly and is not proposing they live together, initially, on his release.

14. He has arranged accommodation with [withheld] and that has been assessed by Community Corrections as suitable. He also has support from a number of other family and friends.
15. [withheld] offers Mr Noone employment as a project manager in his company, [withheld]. He is aware of Mr Noone's background and skills and is keen to employ him. That will need careful assessment by Mr Noone's probation officer, given the condition we propose to impose directed at minimising the risk of him again becoming involved in business or financial transactions which might result in re-offending.
16. We cannot release Mr Noone on parole unless satisfied that, to do so, would not present undue risk to the safety of the community. Regard must be had to the support and supervision available to him and the public interest in his satisfactory reintegration.
17. This is his first appearance before the Board and we are aware he has some three and a half years left on his sentence. On balance, taking into account all the relevant issues, we are satisfied that no undue risk will arise if Mr Noone is released now on parole, subject to a range of special release conditions.
18. He does not take issue with any of the proposed conditions. We have made some changes from those proposed in the parole assessment report, to include only those which, in our view, are necessary to ensure no re-offending. We also agree with the proposal that release conditions need last no longer than for two years following release.
19. Accordingly, we direct his release on parole on [withheld] October 2018. He will be subject to standard release conditions until 23 October 2020. He will be subject to the following special release conditions for the same period:
 - (1) To reside at [withheld] and not move from that address unless you have the prior written approval of a probation officer.
 - (2) To obtain the written approval of a Probation Officer before starting or changing your position and/or place of employment (including voluntary and unpaid work). To notify a Probation Officer if you leave your position of employment.
 - (3) Not to be involved in the handling of money, provision of advice or management of the financial accounts or transactions, of any person or entity, unless you have the prior written approval of a Probation Officer.
 - (4) Not to communicate or associate with your co-offender Stephen Borlase, or Mr George, directly or indirectly, unless you have the prior written approval of a Probation Officer.

- (5) To attend, participate in and complete any programme/treatment/counselling as directed by a Probation Officer.

Judge D Mather
Panel Convenor